

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:) Chapter 15 Case
)
FAIRFIELD SENTRY LIMITED, et al.,) Case No. 10-13164
) (CGM)
Debtors in Foreign Proceedings.)
) Jointly Administered
FAIRFIELD SENTRY LIMITED (IN LIQUIDATION) and)
FAIRFIELD SIGMA LIMITED (IN LIQUIDATION),)
acting by and through the Foreign Representatives thereof,)
and KENNETH KRYS and GREIG MITCHELL, solely in)
their capacities as Foreign Representatives and Liquidators) Adv. Pro. No. 10-03635
thereof,) (CGM)
)
Plaintiffs,)
)
-against-)
)
ABN AMRO SCHWEIZ AG a/k/a ABN AMRO)
(SWITZERLAND) AG, ADLER AND CO PRIVATBANK)
AG, UNIFORTUNE CONSERVATIVE SIDE POCKET,)
ALTERNATIVE INVESTMENT STRATEGIES, BANCA)
ARNER SA, BANCA UNIONE DI CREDITO, BANK)
HAPOALIM SWITZERLAND LTD., BANK JULIUS)
BAER & CO. LTD., BANK SARASIN & CIE, BANQUE)
CANTONALE VAUDOISE, BANQUE CRAMER & CIE)
SA, BBVA (SUISSE) SA, BCV AMC DEFENSIVE AL)
FUND, BNP PARIBAS (SUISSE) SA, BNP PARIBAS)
(SUISSE) SA EX FORTIS, BNP PARIBAS (SUISSE) SA)
PRIVATE, BSI AG, BSI EX BANCA DEL GOTTARDO,)
CACEIS BANK LUXEMBOURG, CBB (BVI)/ THE)
ALKIMA FUND, CBT GEMS LOW VOL REG,)
COMPAGNIE BANCAIRE HELVETIQUE, CENTRUM)
BANK AG (AMS), CLARIDEN LEU LTD., CORNER)
BANCA SA, CREDIT SUISSE AG ZURICH, DEXIA)
BANQUE INTERNATIONAL A LUXEMBOURG,)
DRESDNER BANK SCHWEIZ, EFG BANK SA)
SWITZERLAND, EFG EUROFINANCIER D'INVEST)
MCL, ENDURANCE ABSOLUTE LTD. MASTER,)
FAIRFIELD INVESTMENT GCI, FAIRFIELD)
INVESTMENT FUND LTD., FALCON PRIVATE BANK,)
FIF ADVANCED LTD., FINTER BANK ZURICH,)
HARMONY CAPITAL FUND LTD., HSBC, IHAG)
HANDELSBANK AG, INCORE BANK AG, KARASEL)
ENHANCED PORTFOLIO, KARLA)

MULTISTRATEGIES LTD., LGT BANK IN)
LIECHTENSTEIN AG, LIECHTENSTEINISCHE LB)
REINVEST AMS, LLOYDS TSB BANK GENEVA,)
LOMBARD ODIER DARIER HENTSCH & CIE,)
LONGBOAT LTD., MASTER CAPITAL AND HEDGE)
FUND, NATIONAL BANK OF KUWAIT, NBK BANQUE)
PRIVEE SUISSE SA, PICTET & CIE, PKB PRIVATBANK)
AG, QUASAR FUNDS SPC a/k/a QUASAR FUND SPC)
CLASS A AND CLASS B CGCNV, RBC DEXIA)
INVESTOR SERVICE JULIUS BAER SICAV, RBS)
COUTTS BANK LTD., RICHOURT AAA)
MULTISTRATEGIES, ROTHSCHILD BANK AG)
ZURICH (DUBLIN) a/k/a ROTHSCHILD BANK AG,)
ROTHSCHILD BANK GENEVA (DUBLIN),)
ROTHSCHILD LUGANO DUBLIN a/k/a BANCA)
PRIVATA EDMOND DE ROTHSCHILD LUGANO S.A.,)
EDMOND DE ROTHSCHILD (SUISSE) S.A., SIS)
SEEGANINTERSETTLE, SIX SIS LTD., SOCIETE)
GENERALE BANK & TRUST, SOUNDVIEW FUND,)
SWISSCANTO FD CENTRE CLIENTS A/C, T1 GLOBAL)
FUND LTD., UBS AG NEW YORK, UBS AG ZURICH,)
UBS JERSEY NOMINEES, VERWALTUNGS UND)
PRIVAT-BANK AG AKTIENGESELLSCHAFT (AMS),)
VORARLBERGER LANDES UND HYPOTHEKENBANK)
AKTIENGESELLSCHAFT and BENEFICIAL OWNERS)
OF ACCOUNTS HELD IN THE NAME OF CGC NA 1-)
1000,)
Defendants.)

SHAREHOLDER NAME CHANGE STIPULATION

WHEREAS, Kenneth M. Krys and Greig Mitchell, as joint liquidators and foreign representatives (the “Foreign Representatives”) of Fairfield Sentry Limited (In Liquidation) (“Sentry”), Fairfield Sigma Limited (In Liquidation) (“Sigma”), and Fairfield Lambda Limited (In Liquidation) (“Lambda” together with Sentry and Sigma, the “Funds”), have initiated the above-captioned action (the “Action”) against, among others, RBS Coutts Bank Ltd., for the recovery of USD \$51,929,665.41 in share redemptions from Sentry and Sigma;

WHEREAS, on November 1, 2011, RBS Coutts Bank Ltd. changed its name to Coutts & Co. Ltd.

WHEREAS, RBS Coutts Bank Ltd. has requested that the Foreign Representatives amend its name in the Register of Shareholders of Sentry from RBS Coutts Bank Ltd. to Coutts & Co. Ltd.; and

WHEREAS, the parties have conferred with regard to the name change request and have agreed to the terms set forth below.

NOW, THEREFORE, the parties do hereby STIPULATE and AGREE as follows:

1. The Foreign Representatives shall amend the name of RBS Coutts Bank Ltd. to Coutts & Co. Ltd. in the Register of Shareholders of Sentry, subject to the agreed-upon conditions set forth herein.

2. The operative Fifth Amended Complaint [Dkt. No. 620] shall be amended to substitute Coutts & Co. Ltd. as named defendant for RBS Coutts Bank Ltd.

3. The Clerk of the Court is hereby authorized and directed to amend the caption of this Action to substitute Coutts & Co. Ltd. as named defendant for RBS Coutts Bank Ltd. The amended caption is as follows:

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

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)	Jointly Administered
FAIRFIELD SENTRY LIMITED (IN LIQUIDATION) and)	
FAIRFIELD SIGMA LIMITED (IN LIQUIDATION),)	
acting by and through the Foreign Representatives thereof,)	
and KENNETH KRYS and GREIG MITCHELL, solely in)	
)	Adv. Pro. No. 10-03635

their capacities as Foreign Representatives and Liquidators thereof,)	(CGM)
))
Plaintiffs,))
))
-against-))
))
ABN AMRO SCHWEIZ AG a/k/a ABN AMRO (SWITZERLAND) AG, ADLER AND CO PRIVATBANK))
AG, UNIFORTUNE CONSERVATIVE SIDE POCKET,))
ALTERNATIVE INVESTMENT STRATEGIES, BANCA))
ARNER SA, BANCA UNIONE DI CREDITO, BANK))
HAPOALIM SWITZERLAND LTD., BANK JULIUS))
BAER & CO. LTD., BANK SARASIN & CIE, BANQUE))
CANTONALE VAUDOISE, BANQUE CRAMER & CIE))
SA, BBVA (SUISSE) SA, BCV AMC DEFENSIVE AL))
FUND, BNP PARIBAS (SUISSE) SA, BNP PARIBAS))
(SUISSE) SA EX FORTIS, BNP PARIBAS (SUISSE) SA))
PRIVATE, BSI AG, BSI EX BANCA DEL GOTTARDO,))
CACEIS BANK LUXEMBOURG, CBB (BVI)/ THE))
ALKIMA FUND, CBT GEMS LOW VOL REG,))
COMPAGNIE BANCAIRE HELVETIQUE, CENTRUM))
BANK AG (AMS), CLARIDEN LEU LTD., CORNER))
BANCA SA, CREDIT SUISSE AG ZURICH, DEXIA))
BANQUE INTERNATIONAL A LUXEMBOURG,))
DRESDNER BANK SCHWEIZ, EFG BANK SA))
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FAIRFIELD INVESTMENT GCI, FAIRFIELD))
INVESTMENT FUND LTD., FALCON PRIVATE BANK,))
FIF ADVANCED LTD., FINTER BANK ZURICH,))
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HANDELSBANK AG, INCORE BANK AG, KARASEL))
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CLASS A AND CLASS B CGCNV, RBC DEXIA))
INVESTOR SERVICE JULIUS BAER SICAV, COUTTS &))
CO. LTD., RICHOURT AAA MULTISTRATEGIES,))
ROTHSCHILD BANK AG ZURICH (DUBLIN) a/k/a))
ROTHSCHILD BANK AG, ROTHSCILD BANK))

**GENEVA (DUBLIN), ROTHSCHILD LUGANO DUBLIN)
a/k/a BANCA PRIVATA EDMOND DE ROTHSCHILD)
LUGANO S.A., EDMOND DE ROTHSCHILD (SUISSE))
S.A., SIS SEEGANINTERSETTLE, SIX SIS LTD.,)
SOCIETE GENERALE BANK & TRUST, SOUNDVIEW)
FUND, SWISSCANTO FD CENTRE CLIENTS A/C, T1)
GLOBAL FUND LTD., UBS AG NEW YORK, UBS AG)
ZURICH, UBS JERSEY NOMINEES, VERWALTUNGS)
UND PRIVAT-BANK AG AKTIENGESELLSCHAFT)
(AMS), VORARLBERGER LANDES UND)
HYPOTHEKENBANK AKTIENGESELLSCHAFT and)
BENEFICIAL OWNERS OF ACCOUNTS HELD IN THE)
NAME OF CGC NA 1-1000,)
Defendants.)**

4. Coutts & Co. Ltd. hereby represents and warrants that it shall have, be bound by and assume all liabilities of RBS Coutts Bank Ltd., if any, in connection with the claims pending in the Action or otherwise arising out of or relating to any investments in or redemptions of shares of any of the Funds.

5. Coutts & Co. Ltd. hereby represents and warrants that it has sufficient assets to pay in full any judgment rendered against it in the above-captioned action.

6. Coutts & Co. Ltd. hereby represents and warrants that it will not raise any defenses, affirmative defenses, counterclaims, or other arguments in response to the Foreign Representatives' claims in the Action that would not have otherwise been available to RBS Coutts Bank Ltd, including but not limited to statutes of limitation or laches periods that may apply to any and all claims or liabilities of any nature arising out of or relating to the redemptions that are the subject of claims made in the Action.

7. Except as otherwise expressly stated herein nothing in this Stipulation shall constitute, nor be deemed to constitute, a waiver of any rights or objections of the parties in connection with the Action.

8. Each person who executes this Stipulation represents that he or she is duly authorized to execute this Stipulation on behalf of the respective parties hereto and that each such Party has full knowledge of, and has consented to, this Stipulation.

9. This Stipulation may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Delivery of a counterpart by telecopier, email or other electronic means shall be effective as delivery of a manually executed counterpart, and it shall constitute sufficient proof of this Stipulation to present any copy, copies, or facsimiles signed by the parties hereto to be charged.

Dated: September 28, 2021
New York, New York

By: /s/ David J. Molton
David J. Molton
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*Attorneys for the Foreign Representatives of
Fairfield Sentry Limited (In Liquidation),
Fairfield Sigma Limited (In Liquidation), and
Fairfield Lambda Limited (In Liquidation)*

Dated: September 28, 2021
New York, New York

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Attorneys for RBS Coutts Bank Ltd..

Dated: September 28, 2021
New York, New York

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